

Appl. No.: 10/563,591
Reply to Office Action of: 03/30/2009

Amendments to the Drawings:

The attached sheet of drawings includes changes to Figs. 2 and 4.

In Fig. 2, reference number 60 has been added.

In Fig. 4, reference number 90 has been added.

REMARKS

In regard to the objection to the drawings, please note the following locations of reference numbers:

"1" is shown in Fig. 1;

"12" is shown in Fig. 1;

"14" is shown in Fig. 5;

"11" is shown in Fig. 3;

"81" is shown in Fig. 4;

"18" is shown in Fig. 5;

"29" is shown in Fig. 6;

"100" is shown in Fig. 3;

"64" is shown in Fig. 4;

"66" is shown in Fig. 2;

"68" is shown in Fig. 4;

"70" is shown in Fig. 2;

"72" is shown in Fig. 2;

"76" is shown in Fig. 2;

"78" is shown in Fig. 5;

"60" is shown in Fig. 3;

"112" is shown in Fig. 1;

"110" is shown in Fig. 1;

Please note that on page 4, the paragraph starting at line 12, mentions Figures 1 to 5. Page 4, line 21 mentions Figure 6, but does not state that 1, 12, 14, 11, and 81 are in Fig. 6. Please note that reference to Figures 1 and 3 on page 5, lines 29-30 is merely a reference regarding some of the features discussed in that paragraph. It is not an indication that the features of page 6, line 20 et seq. are in Figures 1 and 3. The examiner should be looking at Figures 1-5. Of all the examiner's objections, only "90" and "60" need to be added to the drawings. The examiner is requested to reconsider his drawing objections.

Claims 1, 2, 7-16, 22 and 23 were rejected under 35 U.S.C. 103(a) as being unpatentable over Sekine et al. (US 6,336,037). Claims 4-6 and 19-21 were rejected under 35 U.S.C. 103(a) as being unpatentable over Sekine et al. (US 6,336,037) in view of Kulberg et al. (US 5,850,612). The examiner is requested to reconsider these rejections.

The examiner has cited In re Rose (105 USPQ 237 (CCPA 1955) and discussion of "a mere change in size of a component" as a basis for his rejection. The examiner has apparently confused "size" with "shape". While MPEP 2144.04 (IV) discusses size and shape in different subsections, this is not a case of a mere "size" difference between what is claimed by the applicants and what is shown in Sekine et al. Claim 1 claims a face with an elongate diagonal and a truncated diagonal.

This is a different "shape" than what is shown or suggested in Sekine et al.

In regard to changes in "shape" (see MPEP 2144.04(IV)(B)), In re Dailey 149 USPQ 47 (CCPA 1966) mentioned in the MPEP held that the **configuration** of the claimed disposable plastic nursing container was a matter of choice which a person of ordinary skill in the art would have found obvious **absent persuasive evidence that the particular configuration of the claimed container was significant**. In the present case, the examiner is directed to the description in the application at page 11, line 14 et seq. which describes the significance of applicants' claimed configuration. Thus, because of this significance, it is believed that the examiner cannot disregard the feature of the shape or configuration in the claims.

As stated in the application:

"When in the viewing orientation with the viewing axis 112 upright, the trims sweep around the bottom and left side and top and right side respectively, providing a device that instead of four sides has only two. The smooth sides promote convenient gripping of the device with the fingers along one side of the device and the thumb along the other. The upright sides allow the device to be gripped in this fashion with the hand held in a natural position for viewing while keeping the display in the correct orientation. The arrangement with two sweeping sides 104, 105 that provide either a top and a side region or a bottom and side region rather than two

sides and a top and bottom allows the phone to be used in a more ergonomic fashion. It also allows the casing to be stretched along the audio axis, increasing the separation of the microphone and earpiece."

Claims 5 and 6 have been cancelled and their features have been added to claim 1. Claim 1 claims that the face has one elongate diagonal and one truncated diagonal, wherein the truncated diagonal terminates at a rounded corner at both extremities, and wherein the rounded corners provide two sweeping sides. There is no disclosure or suggestion of this in the cited art.

Neither Sekine et al nor Kulberg et al. disclose or suggest a face which has one elongate diagonal and one truncated diagonal. Neither Sekine et al nor Kulberg et al. disclose or suggest a truncated diagonal which terminates at a rounded corner **at both extremities** (of the truncated diagonal). Neither Sekine et al nor Kulberg et al. disclose or suggest wherein the rounded corners provide two sweeping sides. There is no disclosure or suggestion in Sekine et al or Kulberg et al. of the combined features recited in claim 1. Thus, even if it was obvious to combine Sekine et al and Kulberg et al., this still would not have suggested the invention as claimed in claim 1. There still would be no suggestion of a face has one elongate diagonal and one truncated diagonal, wherein the truncated diagonal terminates at a rounded corner at both extremities, and wherein the rounded corners provide two sweeping sides. Therefore, claim 1 is patentable and should be allowed.

Though the claims dependent upon claim 1 contain their own allowable subject matter, these claims should at least be allowable due to their dependence from allowable claim 1. However, to expedite prosecution at this time, no further comment will be made.

Claims 19-20 have been cancelled and their features have been added to claim 16. Claim 16 now claims that at least one of the second pair of **opposite corners** forms a sweepingly curved corner between two sides of the casing, wherein at least one of the corners of the first pair of opposite corners has a pointed shape angled more abruptly between two sides of the casing than the sweepingly curved corner. There is no disclosure or suggestion of this in the cited art.

Neither Sekine et al nor Kulberg et al. disclose or suggest at least one of the second pair of **opposite corners** forms a sweepingly curved corner between two sides of the casing, wherein at least one of the corners of the first pair of opposite corners has a pointed shape angled more abruptly between two sides of the casing than the sweepingly curved corner. Neither Sekine et al nor Kulberg et al. disclose or suggest at least one of the second pair of **opposite corners** forms a sweepingly curved corner between two sides of the casing. Neither Sekine et al nor Kulberg et al. disclose or suggest at least one of the corners of the first pair of opposite corners has a pointed shape angled more abruptly between two sides of the casing than the sweepingly curved corner. Thus, even if it was obvious to combine Sekine et al and Kulberg et al., this still would not have suggested the invention as claimed in claim 16. There still would be no

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suggestion of at least one of the second pair of **opposite corners** forms a sweepingly curved corner between two sides of the casing, wherein at least one of the corners of the first pair of opposite corners has a pointed shape angled more abruptly between two sides of the casing than the sweepingly curved corner. . Therefore, claim 16 is patentable and should be allowed.

Though the claims dependent upon claim 16 contain their own allowable subject matter, these claims should at least be allowable due to their dependence from allowable claim 16. However, to expedite prosecution at this time, no further comment will be made.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issue remain, the examiner is invited to call applicants' attorney at the telephone number indicated below.

Respectfully submitted,

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5/26/09
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Appl. No.: 10/563,591
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5/21/2009

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